Supreme Court, U.S.
FILED
01-53 JUN 13 2001
OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

GOVINDASWAMY NAGARAJAN,
Petitioner,

v.

SANDRA SCHEICK, *et al.*,
Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

---

PETITION FOR WRIT OF CERTIORARI

GOVINDASWAMY NAGARAJAN, *pro se*
1700 Kingsbury Drive
Nashville, TN 37215-5706
(615) 309-6092

WILSON-EPES PRINTING CO., INC. – (202) 789-0096 – WASHINGTON, D. C. 20001

73 pp

QUESTIONS PRESENTED

1. Are the six (6) genuine signatures of Thea Eliezer on her exams very similar to the signature of Thea Eliezer on the petition?
2. Are the eight (8) genuine signatures of Charles Stahl-Bussell on his exams, hand-written letter and classrolls very similar to the second signature of Charles Stahl-Bussell on the petition?
3. Are the ten (10) genuine signatures of Kieyana Carter very similar to the fourth signature of Kiyana Carter on the petition?
4. Are the ten (10) genuine signatures of Andrey Chisley very similar to the seventh signature of Andre Chisley on the petition?
5. Are the four (4) genuine signatures of Kalea Whitmore very similar to the twenty third signature of Kalea Whitmore on the petition?
6. Are the eight (8) genuine signatures of Timothy Mayo very similar to the thirteenth signature of Timothy Mayo on the petition?
7. Did the District Court see the students signing the petition?
8. Did the District Court receive any affidavit from the State Defendants stating that only the students signed on the petition?
9. Did the District Court receive any affidavit from students stating that they were the ones to sign their names on the petition?
10. What was the documentary evidence based on which the District Court concluded that only the students and not anybody else signed on the petition?

11. Was there any precedent that a land grant university like Tennessee State University got judgment against it from any Court for forging signatures of students, fabricating complaints against a tenured professor and framing charges against him (her) to remove him (her) from the university in disgrace?

12. Without receiving the sworn statements from students, have the lower Courts wronged by stating that the students signed their names in print on their exams but cursive on the petition while seven (7) unsworn statements were rejected from students?

LIST OF PARTIES & RULE 29.6

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the Court whose judgment is the subject of this petition is as follows:

GOVINDASWAMY NAGARAJAN,
Petitioner,

vs.

SANDRA SCHEICK, in her official capacity and individually,
BOBBY LOVETT, in his official capacity and individually,
AUGUSTUS BANKHEAD, in his official capacity and individually,
JAMES HEFNER, in his official capacity and individually,
KIEYANA CARTER, individually,
ANDRE CHISLEY, individually,
JOSEPH DARNELL, individually,
JEROME DOOLEY, individually,
THEA ELIEZER, individually,
DURIEL GRAY, individually,
TRACY HENRIQUES, individually,
JAY JOHNSON, individually,
THEODORE KROTULSKI, individually,
TIMOTHY MAYO, individually,
YOLANDA MCCALL, individually,
LEAH MCCLERKIN, individually,
CAMELIA MITCHELL, individually,
CHANE PRICE, individually,
JOAN ROGERS, individually,
KATRINA ROGERS, individually,
KEISHA SIMS, individually,
EBONY SMITH, individually,
CHARLES STAHL-BUSSELL, individually,
LESLIE TOOMER, individually,
SOUMAYAH WALTON, individually,

KALEA WHITMORE, individually,
MARITZA WILLIAMS, individually,
CEDRIC WORDS, individually, and
TENNESSEE STATE UNIVERSITY,

Respondents.

Pursuant to Rule 29.6, GOVINDASWAMY NAGARAJAN makes the following disclosure:

1. Is said party a subsidiary or affiliate of a publicly owned corporation? No
2. Is there a publicly owned corporation, not a party to the appeal, that has a financial interest in the outcome? No

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED	i
LIST OF PARTIES & RULE 29.6	iii
TABLE OF CITED AUTHORITIES	vi
JURISDICTION	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	1
STATEMENT OF THE CASE	2
REASONS FOR GRANTING THE PETITION	5
CONCLUSION	22
INDEX TO APPENDICES	
Appendix A: Order from District Court	1a
Appendix B: Order from District Court	11a
Appendix C: Order from Appeals Court	26a
Appendix D: Affidavit from Marty Pearce	30a
Appendix E: Affidavit from Thomas Vastrick	34a
Appendix F: Affidavit from Marty Pearce	41a

TABLE OF CITED AUTHORITIES

CASES — Page

A&B Steel Shearing & Processing, Inc. v. United States, 174 F.R.D. 65, 67 (E.D. Mich. 1997)..... 5

Accord Genesis Properties v. Crown Life Ins. Co., 205 F.3d 1340, 2000 WL 178403, **3 (6th Cir. 2000) (Table; Text in Westlaw); *Jordan* 1996 WL 528950 at **6 5

Jordan v. Paccar, Inc., 97 F.3d 1452, 1996 WL 528950, **6 (6th Cir. 1996)..... 5

Parate v. Isibor, 868 F.2d 821, 831 (6th Cir. 1989) 21

JURISDICTION

The case was entered in the District Court on April 30, 1999 (Case No. 99-0373) and dismissed on March 30, 2000 (Document Entry No. 77, 78) (Appendix A). A motion to vacate the order of dismissal filed on April 14, 2000 under F.R.C.P. 60(b)(3) was also denied on June 28, 2000 (Document Entry No. 90, 91) (Appendix B). An appeal was made on June 30, 2000 to the United States Court of Appeals for the Sixth Circuit.

The United States Court of Appeals for the Sixth Circuit affirmed the District Court's order on March 16, 2001 (Appeals No. 00-5896) (Appendix C). No petition for rehearing was timely filed.

The jurisdiction of this Court is invoked under 28 U.S.C. Section 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Whether or not post-judgment relief, pursuant to Rule 60(b)(3), should be granted when there existed conduct amounting to an intentional contrivance by both the State Defendants and Student Defendants to keep the Plaintiff and the District Court in ignorance of the real facts touching the matters in litigation, whereby a wrong conclusion was reached, and positive wrong done to the Plaintiff's rights.

28 U.S.C. Section 1651, *et seq.*

42 U.S.C. Sections 1981, 1982, 1983, 1985, and 4912

18 U.S.C. Section 3, and 494

31 U.S.C. Section 3729

F.R.C.P. 60(b)(3)

STATEMENT OF THE CASE

1. The Petitioner/Appellant/Plaintiff was born and educated in India. With two (2) masters and two (2) doctorate degrees in Physics, he joined with the Oklahoma State University to do research in August 1962. He engaged in research, teaching and administration in many universities and colleges before joining with the Tennessee State University (TSU) as an Associate Professor of Physics in August 1980. Though he was recommended at every level, TSU denied his application for promotion and tenure not only in the 1985-86 but also 1986-87 academic year. Employment decisions were made only on the basis of "black racism" and "cronyism" at TSU. After a series of unsuccessful communications with Tennessee Board of Regents and TSU, he was eventually terminated from service on May 11, 1989.

2. The Plaintiff received a "Notice of Right to Sue" letter from Equal Employment Opportunity Commission on October 26, 1989 and filed a complaint in the District Court against TSU on January 24, 1990. He proved at the trial in August 1994 that TSU treated him inferior to their unqualified black professors, discriminated against him on the basis of his race and nationality, made all the employment decisions only on the basis of "black racism" and "cronyism", and never implemented the policies of the Tennessee Board of Regents to all of their black professors. The District Court entered a judgment on June 4, 1997, reinstating him as a full Professor with all backpay, benefits and costs (Case No. 3:90-0055). While the Plaintiff was reinstated at TSU in August 1997, TSU appealed against the payment of backpay but the Court of Appeals for the Sixth Circuit affirmed the judgment of District Court on July 19, 1999 (Case No. 98-5169).

3. The Plaintiff applied for tenure at TSU in the 1997-98 academic year, twelve (12) years after he first applied for tenure in the 1985-86 academic year and received a denial. As it happened in the 1985-66 and 1986-87 academic years,

this time too his application successfully went through all the stages. This time, in contrary to 1985-86 and 1986-87 academic years, the University Faculty Personnel Committee was no longer a "black only club" but a mixture of all races. The Tennessee Board of Regents finally granted him tenure in June 1998 after so many years of his hardships and suffering caused by "black racism" at TSU.

4. During the times prior to and after the trial (Case No. 3:90-0055) in the District Court, TSU was slowly brought under the full control of the Tennessee Board of Regents. Since the Plaintiff proved all the discriminatory practices in the courts and forced TSU to implement the policies of the Tennessee Board of Regents to all the races including the blacks, the TSU officials could not tolerate the mere presence of the Plaintiff at TSU, and they wanted to get rid of him this time legally from TSU as a retaliation against him for their defeats in the courts.

5. The TSU officials illegally admitted too many mentally ill-prepared and intellectually inferior students without the required pre-requisites into the Plaintiff's Physics 211 course, violated the contractual agreement with Plaintiff, created a very hostile work environment in the teaching-learning process, and prevented the Plaintiff from duly exercising his legal and judicial rights through due process of law.

6. The TSU officials, in violation of 42 U.S.C. Section 1985, conspired to interfere with civil rights of the Plaintiff, affixed too many forged signatures to a document (Exhibit 13), forced seven (7) students to sign on a complaint (Exhibit 13) against their own will (Exhibits 40-46), fabricated many complaints based on fraud (Exhibits 13, 15-19), released them to the public, and processed them in the reverse order first at the Dean level, then at the Department level and finally, in violation of 18 U.S.C. Section 494, sent to the Plaintiff, demanding from him a written response on January 26 and 27, 1999 (Exhibits 14, 21). Their unlawful actions of framing

charges against the Plaintiff were purely based on retaliation against him and remove him legally this time from the university in disgrace.

7. The Plaintiff followed the policies of the Tennessee Board of Regents and requested Defendant Hefner (President of TSU) on February 11, 1999 to appoint a committee and investigate all the students' complaints (Exhibits 13, 15-19). If Defendant Hefner appointed a committee to investigate the students' complaints (Exhibits 13, 15-19), we would not be in the courts today. If he did, then he would be really committing his own suicide, and forgeries of too many signatures (Exhibits 13, 15, 17, 93-97, 100-103, 112-125, 131-140, 142-147) would have been exposed to the public. Since the State Defendants got the cooperation from six (6) Student Defendants, forced seven (7) Student Defendants to sign against their own will (Exhibits 40-46), forged too many signatures (Exhibits 13, 15, 17, 93-97, 100-103, 112-125, 131-140, 142-147), and fabricated fraudulent complaints (Exhibits 13, 15-19), Defendant Hefner refused to appoint a committee to look into the students' complaints. He was responsible to push this matter into the courts.

8. The Plaintiff filed a complaint on April 30, 1999 in the District Court (Case No. 3:99-0373) under federal statutes. The case was dismissed on March 30, 2000 (Document Entry No. 77, 78). A motion to vacate the order of dismissal filed on April 14, 2000 under Rule 60(b)(3) was also denied on June 28, 2000 (Document Entry No. 90, 91) (Appendix A and Appendix B). An appeal was made on June 30, 2000 to the United States Courts of Appeals for the Sixth Circuit.

9. The United States Court of Appeals for the Sixth Circuit affirmed the District Court's order on March 16, 2001 (Appendix C). No petition for rehearing was timely filed to the United States Court of Appeals for the Sixth Circuit.

REASONS FOR GRANTING THE PETITION

10. The District Court made the statement (Docket Entry No. 90, Pages 13-14) (Appendix B) as follows:

> "(I)f it were shown that the State Defendants did conspire to create a false complaint against Plaintiff, to which they forged students' signatures, their conduct would likely be deemed a violation of Plaintiff's due process rights and might be viewed as outrageous".

11. The District Court made the statement (Docket Entry No. 90, pages 11-12) (Appendix B) again as follows:

> "(R)ule 60(b)(3) requires the moving party to demonstrate that some willful or reckless "bad act" on the part of the adverse party adversely impacted the fairness of the relevant legal proceeding. *Jordan v. Paccar, Inc.*, 97 F.3d 1452, 1996 WL 528950, **6 (6th Cir. 1996) (Table; Text in Westlaw). Relief under Rule 60(b)(3) is an extraordinary remedy, granted only in exceptional circumstances, and therefore the party seeking such relief has the burden of establishing the misconduct and its impact by clear and convincing evidence. *A&B Steel Shearing & Processing, Inc. v. United States*, 174 F.R.D. 65, 67 (E.D. Mich. 1997). *Accord Genesis Properties v. Crown Life Ins. Co.*, 205 F.3d 1340, 2000 WL 178403, **3 (6th Cir. 2000) (Table; Text in Westlaw); *Jordan*, 1996 WL 528950 at **6".

12. The Plaintiff established too many misconducts committed by the Defendants and their impacts by clear and convincing evidences as follows:

> ***THE DISTRICT COURT WRONGED BY STATING THAT THE SIX (6) SIGNATURES OF THEA ELIEZER ON HER EXAMS AND THE SIGNATURE OF THEA ELIEZER ON THE PETITION WERE SIMILAR, AND HER SIGNATURE ON THE PETITION WAS NOT FORGED***

13. Thea Eliezer, in violation of 42 U.S.C. Section 1985, conspired with the State Defendants, in violation of 42 U.S.C. Section 4912 and 31 U.S.C. Section 3729, made misrepresentation, filed for summary judgment, and thereby became, under 18 U.S.C. Section 3, an accomplice to crime of forgery committed by State Defendants (Exhibit 13). She never signed on the petition (Exhibit 13). She never submitted an affidavit that she signed on the petition or she did not sign on the petition against the Plaintiff (Exhibit 13).

14. Defendant Thea Eliezer wrote her tests on December 9, 1998 and signed her name on each page (Exhibits 93, 112-117). Her six (6) genuine signatures from her test papers (Exhibits 93, 112-117) and the first forged signature of Thea Eliezer from the petition (Exhibit 13) have been enlarged and faithfully produced on the same page for comparison (Exhibit 142). The first signature which is a forged one comes from the petition (Exhibit 13) while all the other six (6) come from her test papers (Exhibits 93, 112-117). The letters "T" and "h" of her first name and the letter "E" of her last name were not at all signed by Defendant Thea Eliezer on the complaint (Exhibit 13). Further, the number "8" was superimposed on the letter "E" of her last name (Exhibits 13, 142). All the seven (7) signatures are not at all similar (Exhibit 142). The first signature coming from the petition (Exhibit 13) was, beyond any reasonable doubt, forged (Exhibit 142), thereby making the District Court and Appeals Court wrong.

15. The hand-writing expert and document examiner, Marty Pearce concludes (Appendix D) that the very first signature on the petition (Exhibit 13) is not 100% genuine because of two (2) distinct reasons. The first reason is the letter "T"" in Thea and the second reason is the letter "E" in Eliezer. In addition, the number "8" is superimposed on the letter "E" of Eliezer. Based on these findings, she concludes that the signature of Thea Eliezer on the petition (Exhibit 13) is not 100% genuine.

16. Another hand-writing expert and document examiner, Thomas Vastrick also concludes (Appendix E) that the six (6) genuine signatures of Thea Eliezer from her test papers (Exhibits 93, 112-117) cannot be identified with the signature of Thea Eliezer found on the complaint (Exhibit 13). The same person did not sign all the seven (7) signatures (Exhibit 142), thereby making the lower Courts wrong.

17. Defendant Thea Eliezer did not sign on the petition (Exhibit 13). She did not oppose the Rule 60(b)(3) motion filed by the Plaintiff. She did not file an affidavit stating that she did or did not sign on the petition (Exhibit 13). The State Defendants submitted the complaints (Exhibits 13, 15-19) and framed charges against the Plaintiff (Exhibits 14, 21, 25). The District Court did not see Thea Eliezer signing the petition (Exhibit 13). The District Court did not have any affidavit from State Defendants or Thea Eliezer stating that she was really the one to sign on the petition (Exhibit 13). In the absence of such an evidence, the District Court wronged by stating that Thea Eliezer signed on the petition and her signature was not forged (Exhibit 13). But the foregoing statements and evidences (Exhibits 93, 142, Appendix D and E) confirm the truth that the State Defendants forged the signature of Thea Eliezer, thereby making the lower Courts wrong. The wrong done by the lower Courts is requested to be righted by this Court.

THE DISTRICT COURT WRONGED BY STATING THAT THE SIGNATURES OF CHARLES STAHL-BUSSELL ON HIS EXAMS AND HAND-WRITTEN LETTER WERE SIMILAR TO THE SIGNATURE OF CHARLES STAHL-BUSSELL ON THE PETITION AND THEREFORE HIS SIGNATURE ON THE PETITION WAS NOT FORGED

18. Though Charles Stahl-Bussell did not sign on the petition (Exhibit 13), he, in violation of 42 U.S.C. Section 1985, conspired with the State Defendants, in violation of

42 U.S.C. Section 4912 and 31 U.S.C. Section 3729, misrepresented, filed for summary judgment, and thereby became, under 18 U.S.C. Section 3, an accomplice to the crime of forgery committed by State Defendants (Exhibit 13).

19. Defendant Charles Stahl-Bussell had and has the habit of writing and signing his name only in print but not in cursive. He wrote by his hand a letter of complaint against the Plaintiff on January 11, 1999 and signed his name only in print but not in cursive (Exhibit. 15)

20. Defendant Charles Stahl-Bussell wrote his test on December 9, 1998 and signed his name only in print (Exhibit 94). The second (forged) signature of Charles Stahl-Bussell from the petition (Exhibit 13) has been enlarged and presented on the top of the page (Exhibit 143). His genuine signature from his test paper (Exhibits 94, 118) has been enlarged and presented on the middle of the same page (Exhibit 143). His genuine signature from his hand-written letter of complaint (Exhibits 15, 119) has also been enlarged and presented at the bottom of the same page (Exhibit 143). Thus, there are three (3) signatures on the same page for the purpose of comparison (Exhibit 143). The first signature on the top which was forged comes from the petition (Exhibit 13) while the second (middle) signature which is genuine comes from his test paper (Exhibits 94, 118) and the third (bottom) signature which is genuine comes from his hand-written letter of complaint (Exhibits 15, 119). The numbers above the second (middle) signature (Exhibit 143) come from his test paper (Exhibit 94) and the words above the third (bottom) signature come from his hand-written letter of complaint (Exhibit 15). All the three (3) signatures are not similar just because the first (top) signature is in cursive while the second (middle) and third (bottom) signatures are in print (Exhibit 143). Therefore, the State Defendants who first released the petition forged the signature of Charles Stahl-Bussell in cursive on the petition (Exhibit 13), thereby

making the District Court and Appeals Court wrong. The lower Courts also wronged in totally ignoring the hand-written letter of complaint only in print but not in cursive by Charles Stahl-Bussell (Exhibit 15).

21. Defendant Charles Stahl-Bussell signed his name on the classrolls on different days, and six (6) of his signatures have been presented on the same page (Exhibit 148). The second (forged) signature of Charles Stahl-Bussell from petition (Exhibit 13) has been enlarged and presented on top of the same page (Exhibit 148). Thus, there are seven (7) signatures on the same page (Exhibit 148) for comparison. All the seven (7) signatures are not at all similar just because the first signature on the top is in cursive while all the other six (6) are in print (Exhibit 148). Therefore, the State Defendants who first released the petition (Exhibit 13) forged the signature of Charles Stahl-Bussell in cursive on the petition, thereby making the District Court and Appeals Court wrong.

22. The hand-writing expert and document examiner, Marty Pearce gives her findings (Appendix D) that if, in fact, Mr. Charles Stahl-Bussell writes only in print, then the signature on the petition (Exhibit 13) would have to be forged, thereby making the District Court and Appeals Court wrong.

23. Another hand-writing expert and document examiner, Thomas Vastrick also gives his findings (Appendix E) that the signature of Charles Stahl-Bussell on the complaint (Exhibit 13) is in cursive while his writings and signatures are in print (Exhibits 15, 94, 143), thereby making the District Court and Appeals Court wrong. Thus, both the forensic document examinations have proved that the lower Courts were wrong.

24. The District Court made a wrong judgment by stating that the student, Charles Stahl-Bussell, signed his name in print on the exams but in cursive on the petition, and his

signatures were similar. Therefore, his signature on the petition was not forged. The District Court did not see him signing the petition in cursive (Exhibit 13), and did not have any affidavit or document showing that he signed in cursive on the petition (Exhibit 13). But the District Court had documents showing that he signed his name only in print but not in cursive (Exhibits 15, 94). Even after reviewing too many documentary evidences (Exhibits 15, 94, 148), the Appeals Court also wronged by stating that his signatures were similar.

25. Defendant Charles Stahl-Bussell did not sign on the petition (Exhibit 13) and did not oppose the Rule 60(b)(3) motion filed by the Plaintiff. He did not file an affidavit stating that he did or did not sign on the petition (Exhibit 13). The State Defendants submitted the complaints (Exhibits 13, 15-19) and framed charges against the Plaintiff (Exhibits 14, 21, 25). The District Court did not see Charles Stahl-Bussell signing the petition (Exhibit 13). The District Court also did not receive any affidavit from State Defendants or Charles Stahl-Bussell stating that he was really the one to sign on the petition (Exhibit 13). In the absence of such an evidence, the District Court wronged by stating that Charles Stahl-Bussell signed on the petition and his signature was not forged (Exhibit 13). But the foregoing statements and documentary evidences (Exhibits 15, 94, 143, 148, Appendix D and E) confirm the truth that the State Defendants forged the signature of Defendant Charles Stahl-Bussell on the petition (Exhibit 13), thereby making the lower Courts wrong. The wrong done by the lower Courts is requested to be righted by this Court.

THE DISTRICT COURT WRONGED BY STATING THAT THE SIGNATURES OF KIEYANA CARTER ON HER EXAMS WERE SIMILAR TO THE SIGNATURE OF KIYANA CARTER ON THE PETITION, AND HER SIGNATURE ON THE PETITION WAS NOT FORGED

26. Even though Kieyana Carter did not sign on the petition (Exhibit 13), she, in violation of 42 U.S.C. Section 1985, conspired with the State Defendants, in violation of 42 U.S.C. Section 4912 and 31 U.S.C. Section 3729, misrepresented, filed for summary judgment, and thereby became, under 18 U.S.C. Section 3, an accomplice to the crime of forgery committed by the State Defendants (Exhibit 13).

27. Defendant Kieyana Carter wrote her test on October 28, 1998 and signed her name (Exhibit 95, 120). She also wrote another test on December 9, 1998 and signed her name (Exhibit 95, 121). Her two (2) genuine signatures are identical to each other but the one appearing as the fourth signature of Kiyana Carter on the petition (Exhibit 13) with an error in spelling of first name is entirely different, and therefore, forged, thereby making the District Court and Appeals Court wrong.

28. The fourth (forged) signature of Kiyana Carter with spelling error from the petition (Exhibit 13) has been enlarged and presented on top of the page (Exhibit 144). Her real signature from her test paper written on October 28, 1998 (Exhibits 95, 120) has been enlarged and presented on the middle of the page (Exhibit 144). Her genuine signature from her test paper written on December 9, 1998 (Exhibits 95, 121) has also been enlarged and presented at the bottom of the same page (Exhibit 144). Thus, there are three (3) signatures on the same page (Exhibit 144) for the purpose of comparison. The signature on the top with spelling error is entirely different from the other two (2) genuine signatures, and therefore, forged (Exhibit 144). The State Defendants forged the fourth signature of Kiyana Carter with spelling

error on the petition (Exhibit 13), thereby making the District Court and Appeals Court wrong.

29. The fourth (forged) signature of Kiyana Carter with spelling error from the petition (Exhibit 13) has been enlarged and presented on top of the page (Exhibit 145). Her eight (8) genuine signatures from her eight (8) days of classrolls have been presented on the same page (Exhibit 145) for comparison purpose. Her eight (8) genuine signatures from her classrolls are exactly identical to each other (Exhibit 145) but the one on top of the page with spelling error is entirely different, and therefore, forged. The letters "K", "y", "ter" are all different in the forged signature with spelling error (Exhibit 13). The State Defendants forged the signature of Kieyana Carter with spelling error on the petition (Exhibit 13), thereby making the District Court and Appeals Court wrong.

30. The hand-writing expert and document examiner, Marty Pearce gives her forensic findings (Appendix D) that the lower loop of the letter "y" does not often return and rise above the baseline in all of her genuine signatures (Exhibits 95, 120-121, 144-145), but it does in the fourth signature on the petition (Exhibit 13). She again confirms that the initial downstroke in the letter "n" in Kieyana is usually retraced, but this time it juts to the right. She again concludes that the capital letter "C" does superimpose upon the final letter "a" of Kiyana, and she did not see this in any of her genuine signatures (Exhibits 95, 144-145). She further concludes that there are very many irregularities with respect to the letters "K", "n", "a", "y", and "C". It is concluded from all of these forensic findings that the State Defendants forged the signature of Kieyana Carter on the petition (Exhibit 13), thereby making the lower Courts wrong.

31. Another hand-writing expert and document examiner, Thomas Vastrick also gives his forensic findings (Appendix E) with all certainty that someone other than Kieyana Carter

signed her name on the petition, thereby making the District Court and Appeals Court wrong.

32. The District Court entered a wrong judgment by stating that the students signed their names in print on the exams but cursive on the petition, and they were all similar, and no signature was forged. The signatures of Kieyana Carter on the exams (Exhibits 95, 144-145) are not at all similar to the signature of Kiyana Carter with spelling error on the petition (Exhibit 13). The signatures of Kieyana Carter on her classrolls (Exhibit 145) are not at all similar to the signature of Kiyana Carter with spelling error on the petition (Exhibit 13). Even after reviewing too many documentary evidences (Exhibits 95, 144-145), the Appeals Court also wronged by stating that her signatures were all similar, in contrast to the findings of both forensic document examiners (Appendix D, Appendix E).

33. Defendant Kieyana Carter did not sign on the petition (Exhibit 13). She did not oppose the Rule 60(b)(3) motion filed by the Plaintiff. She did not file an affidavit stating that she did or did not sign on the petition (Exhibit 13). The State Defendants submitted the complaints (Exhibits 13, 15-19) and framed charges against the Plaintiff (Exhibits 14, 21, 25). The District Court did not see Kieyana Carter signing the petition (Exhibit 13). The District Court also did not receive any affidavit from the State Defendants or Kieyana Carter stating that she was really the one to sign on the petition (Exhibit 13). In the absence of such an evidence, the District Court wronged by stating that Kieyana Carter signed on the petition and her signature was not forged. But the foregoing statements and all the documentary evidences (Exhibits 95, 144-145, Appendix D, Appendix E) confirm the truth that the State Defendants forged the signature of Kieyana Carter on the petition (Exhibit 13), thereby making the District Court and Appeals Court wrong. The wrong done by the lower Courts is requested to be righted by this Court.

THE DISTRICT COURT WRONGED BY STATING THAT THE SIGNATURES OF ANDRE CHISLEY ON HIS EXAMS WERE SIMILAR TO THE SIGNATURE OF ANDRE CHISLEY ON THE PETITION, AND HIS SIGNATURE ON THE PETITION WAS NOT FORGED

34. In spite of the fact that Defendant Andre Chisley did not sign on the petition (Exhibit 13), he, in violation of 42 U.S.C. Section 1985, conspired with the State Defendants, in violation of 42 U.S.C. Section 4912 and 31 U.S.C. Section 3729, made misrepresentation, filed for summary judgment, and thereby became, under 18 U.S.C. Section 3, an accomplice to the crime of forgery committed by the State Defendants (Exhibit 13).

35. Andre Chisley wrote his test on December 9, 1998 and signed his name (Exhibits 97, 124-125). The seventh (forged) signature of Andre Chisley from the petition (Exhibit 13) has been enlarged and presented on top of the page (Exhibit 146). His two (2) genuine signatures from his two (2) test papers have also been enlarged and presented just below the forged one (Exhibit 146). Thus, there are three (3) signatures on the same page (Exhibit 146) for comparison purpose. All the three (3) signatures are not at all similar as wrongly stated by the District Court just because the first (top) signature is in cursive while the other two (2) genuine signatures from his test papers are in print (Exhibit 146). Therefore, the State Defendants who first released the petition forged the signature of Andre Chisley in cursive on the petition (Exhibit 13), thereby making the District Court and Appeals Court wrong.

36. Defendant Andre Chisley signed his name on the classrolls on different days, and eight (8) of his genuine signatures have been faithfully presented on the same page (Exhibit 149). The seventh (forged) signature of Andre Chisley from the petition has been enlarged and presented on top of the same page (Exhibit 149). Thus, there are nine (9)

signatures on the same page (Exhibit 149) for comparison purpose. All the nine (9) signatures are not at all similar as wrongly stated by the District Court just because the first (top) signature coming from the petition (Exhibit 13) is in cursive while all the other eight (8) genuine signatures from his classrolls are in print (Exhibit 149). Just like Defendant Charles Stahl-Bussell, Defendant Andre Chisley also had the habit of writing and signing only in print. Therefore, the State Defendants who first released the petition (Exhibit 13) forged the signature of Andre Chisley in cursive on the petition, thereby making the District Court and Appeals Court wrong.

37. The hand-writing expert and document examiner, Marty Pearce gives her forensic findings (Appendix D) that she could make only one comparison with respect to the dot over the letter "i" on the petition (Exhibit 13). She concludes that the dot over the letter "i" on the petition (Exhibit 13) is more to the right than the usual signatures (Exhibits 97, 124-125), and also the letter "C" on the petition is embellished more than the usual signatures (Exhibits 97, 124-125). Just like Defendant Charles Stahl-Bussell, if Defendant Andre Chisley also writes only in print and signs only in print, then the seventh signature of Andre Chisley on the petition (Exhibit 13) would have been forged, thereby making the District Court and Appeals Court wrong.

38. Another hand-writing expert and document examiner, Thomas Vastrick also gives his forensic findings (Appendix E) that the seventh signature of Andre Chisley on the complaint (Exhibit 13) is in cursive form while his writings and signatures are in print form. Just because Defendant Andre Chisley always writes in print and signs in print (Exhibits 97, 146, 149), his signature on the petition (Exhibit 13) was forged, thereby making the District Court and Appeals Court wrong.

39. The District Court entered a wrong judgment by stating that the student, Andre Chisley, signed his name in print on his exams but in cursive on the petition, his signatures were all similar, and therefore, his signature on the petition was not forged (Exhibit 13). The District Court did not see Andre Chisley signing his name in cursive on the petition (Exhibit 13), and did not receive any affidavit showing that he signed in cursive on the petition (Exhibit 13). But the District Court had documents showing that he signed his name only in print but not in cursive (Exhibits 97, 146, 149). Even after reviewing too many documentary evidences (Exhibits 97, 124-125, 146, 149), the Appeals Court also wronged by stating that his signatures were all similar, in contrary to the forensic findings.

40. Defendant Andre Chisley did not sign on the petition (Exhibit 13). He did not oppose the Rule 60(b)(3) motion filed by the Plaintiff. He also did not file an affidavit stating that he did or did not sign on the petition (Exhibit 13). The State Defendants submitted the complaints (Exhibits 13, 15-19) and framed charges against the Plaintiff (Exhibits 14, 21, 25). The District Court did not see Andre Chisley signing the petition (Exhibit 13). The District Court also did not receive any affidavit from State Defendants or Andre Chisley stating that he was really the one to sign on the petition (Exhibit 13). In the absence of such an evidence, the District Court wronged by stating that Andre Chisley signed on the petition and his signature was not forged (Exhibit 13). But the foregoing statements and documentary evidences (Exhibits 97, 124-125, 146, 149, Appendix D, Appendix E) confirm the truth that the State Defendants forged the signature of Defendant Andre Chisley on the petition (Exhibit 13), thereby making the District Court and Appeals Court wrong. The wrong done by the lower Courts is requested to be righted by this Court.

THE DISTRICT COURT WRONGED BY STATING THAT THE SIGNATURES OF KALEA WHITMORE ON HER EXAMS WERE SIMILAR TO THE SIGNATURE OF KALEA WHITMORE ON THE PETITION, AND HER SIGNATURE ON THE PETITION WAS NOT FORGED

41. Defendant Kalea Whitmore knew that she did not sign on the petition (Exhibit 13). However, she, in violation of 42 U.S.C. Section 1985, conspired with the State Defendants, in violation of 42 U.S.C. Section 4912 and 31 U.S.C. Section 3729, made false representation, filed for summary judgment, and thereby became, under 18 U.S.C. Section 3, an accomplice to the crime of forgery committed by the State Defendants (Exhibit 13).

42. Defendant Kalea Whitmore wrote her test on December 9, 1998 and signed her name on each page (Exhibits 103, 137-140). Her four (4) signatures from her four (4) test papers have been enlarged and presented on the same page (Exhibit 147). The twenty-third (forged) signature of Kalea Whitmore from the petition (Exhibit 13) has been enlarged and presented on top of the same page (Exhibit 147). Thus, there are five (5) signatures on the same page for comparison purpose (Exhibit 147). All the five (5) signatures are not at all similar as wrongly stated by the District Court just because the first (top) signature is in cursive while all the other four (4) genuine signatures from her test papers are in print (Exhibit 147). Defendant Kalea Whitmore does not have a number "3" as her middle name, but her forged signature does have (Exhibit 13). The letters "K", "l", "W", "t", "m", and "R" are all different in the forged signature (Exhibit 13) than they are in her genuine signatures (Exhibits 103, 137-140, 147). Therefore, the State Defendants who first released the petition (Exhibit 13) forged the signature of Kalea Whitmore in cursive on the petition (Exhibit 13), thereby making the lower Courts wrong.

43. The hand-writing expert and document examiner, Marty Pearce gives her forensic findings (Appendix D) that the signature of Kalea Whitmore is possibly a forgery, just because, there appears to an extra downstroke on the end of "K", the lower case "a" is in the form of a tear-drop and too angular to be her usual writing, and the capital "W" does not fit into her habit, nor does the balance of her last name written in cursive form. Therefore, her signature was forged. The State Defendants who first released the petition (Exhibit 13) forged the signature of Kalea Whitmore on the petition (Exhibit 13), thereby making the lower Courts wrong.

44. Another hand-writing expert and document examiner, Thomas Vastrick also gives his forensic findings (Appendix E) that the signature of Kalea Whitmore on the complaint (Exhibit 13) is in cursive form while her writings and signatures are in print form (Exhibits 103, 137-140, 147). Just because Kalea Whitmore always writes in print and signs in print, her signature on the petition (Exhibit 13) was forged, thereby making the District Court and Appeals Court wrong.

45. The District Court entered a wrong judgment by stating that the student, Kalea Whitmore, signed her name in print on her exams but in cursive on the petition, her signatures were all similar, and therefore, her signature on the petition was not forged (Exhibit 13). The District Court did not see Kalea Whitmore signing her name in cursive on the petition (Exhibit 13), and did not receive any affidavit or document showing that she signed in cursive on the petition (Exhibit 13). But the District Court had documents showing that she signed her name only in print but not in cursive (Exhibits 103, 137-140, 147). Even after reviewing too many documentary evidences (Exhibits 103, 137-140, 147), the Appeals Court also wronged by stating that her signatures were all similar, in contrast to the forensic findings.

46. Defendant Kalea Whitmore did not sign on the petition (Exhibit 13). She did not oppose the Rule 60(b)(3) motion

filed by the Plaintiff. She also did not file an affidavit stating that she did or did not sign on the petition (Exhibit 13). The State Defendants submitted the complaints (Exhibits 13, 15-19) and framed charges against the Plaintiff (Exhibits 14, 21, 25). The District Court did not see Kalea Whitmore signing the petition (Exhibit 13). The District Court did not receive any affidavit or document from the State Defendants or Kalea Whitmore stating that she was really the one to sign on the petition (Exhibit 13). In the absence of such an evidence, the District Court wronged by stating that Defendant Kalea Whitmore signed on the petition and her signature was not forged (Exhibit 13). But the foregoing statements and documentary evidences (Exhibits 103, 137-140, 147, Appendix D, Appendix E) confirm the truth that the State Defendants who first did release the complaints (Exhibits 13, 15-19) forged the signature of Kalea Whitmore in cursive on the petition (Exhibit 13), thereby making the District Court and Appeals Court wrong. The wrong done by the lower Courts is requested to be righted by this Court.

THE DISTRICT COURT WRONGED BY STATING THAT THE SIGNATURES OF TIMOTHY MAYO ON HIS EXAMS WERE SIMILAR TO THE SIGNATURE OF TIMOTHY MAYO ON THE PETITION, AND THUS, HIS SIGNATURE ON THE PETITION WAS NOT FORGED

47. Defendant Timothy Mayo received the summons in May 1999 but did not respond, just like other Defendants, Katrina Rogers, Keisha Sims, Ebony Smith, and Leslie Toomer. He was one of the five (5) defaulters. The State Defendants claimed (Exhibits 14, 21, 25) that the thirteenth signature on the complaint (Exhibit 13) was signed by Defendant Timothy Mayo, but it was forged only by State Defendants.

48. Defendant Timothy Mayo wrote his test on December 9, 1998 and signed his name only in print (Exhibits 100,

131). He also took the Physics 211 course in the Spring of 2001 and signed his name now in cursive in front of the Plaintiff. He was the tenth student enrolled in the class. Eight (8) of his signatures have been presented on the same page (Exhibit 151). The thirteenth (forged) signature of Timothy Mayo from the petition (Exhibit 13) has been enlarged and presented on top of the same page (Exhibit 151). Many more of his signatures can be seen from the classrolls given in Appendix F. Thus, there are nine (9) signatures on the same page (Exhibit 151) for the comparison purpose. The eight (8) signatures of Timothy Mayo from his classrolls are exactly identical to each other, but the signature of Timothy Mayo on the top (second line) coming from the petition (Exhibit 13) is entirely different, and therefore, forged. All the nine (9) signatures are in cursive but all of them are not similar. The signature on the top (second line) was not signed by Timothy Mayo, but it was forged. Therefore, the State Defendants who first released the petition (Exhibit 13) forged the signature of Timothy Mayo, thereby making the District Court and Appeals Court wrong.

49. The hand-writing expert and document examiner, Marty Pearce gives her forensic findings (Appendix F) that the signature of Timothy Mayo has more likely than not been forged (Exhibit 151). A few of the samplings she used for forensic investigations contain the signature of Timothy Mayo as the tenth one on each page (Appendix F). The tenth signature of Timothy Mayo from his classrolls (Appendix F) is genuine while the thirteenth signature of Timothy Mayo on the fraudulent petition (Exhibit 13) was forged. The State Defendants who first released the petition (Exhibit 13) forged the signature of Timothy Mayo, thereby making the lower Courts wrong. The wrong done by lower Courts is requested to be righted by this Court.

THE DISTRICT COURT WRONGED BY STATING THAT MANY OF THE STUDENTS SIGNED IN PRINT ON THEIR EXAMS BUT IN CURSIVE ON THE PETITION

50. The District Court did not see any or all of the students signing the petition. The District Court did not receive any affidavit from the State Defendants stating that the students were the ones to sign on the petition. The District Court did not receive any affidavit from the students stating that they were the ones to sign on the petition (Exhibit 13). The District Court did not know who actually signed the petition (Exhibit 13). Without knowing who actually signed the petition, the District Court wronged by stating that the students really signed their names in print on their exams but in cursive on the petition (Exhibit 13). The Appeals Court, by affirming this, also wronged.

51. The District Court ignored the seven (7) statements made by seven (7) Student Defendants that they were forced to sign the petition (Exhibit 13) against their will (Exhibits 40-46). The Appeals Court wronged by stating that they were not sworn statements to be considered by the Courts. Without receiving the sworn statements from students, the Courts wronged by stating that the students signed their names in print on their exams but cursive on the petition (Exhibit 13). The wrong done by lower Courts is requested to be righted by this Court by considering these statements by seven Student Defendants (Exhibits 40-46).

52. The District Court wronged by applying the *Parate v. Isibor* case in the present situation, violating the rights of the Plaintiff. The *Parate v. Isibor* case did not involve with forgeries of too many signatures by TSU and fabrication of many complaints based on fraud against Parate. The State Defendants never forged the signatures of students and framed charged against Parate but they did against the Plaintiff in this case.

53. This case has no precedent. This case is an important one to the interest of the nation and the legal community. No university in the past ever forged signatures of students, fabricated complaints against a tenured professor, and framed charges against him to remove him from the university in disgrace.

CONCLUSION

The Petitioner/Appellant/Plaintiff respectfully requests, based on the foregoing statements and documentary evidences, that his petition for a writ of certiorari be granted.

Respectfully submitted,

GOVINDASWAMY NAGARAJAN, *pro se*
1700 Kingsbury Drive
Nashville, TN 37215-5706
(615) 309-6092